

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
4 State Bar No. 083047
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-101

12 **KATHERINE RENEE WILSON,**
13 **a.k.a. KATHERINE RENEE STEPHENS,**
14 **a.k.a. KATHERINE RENEE COTTON**
4005 Royal Oak
North Little Rock, AR 72116

DEFAULT DECISION AND ORDER

15 Registered Nurse License No. 572435,

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

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19 1. On or about August 28, 2009, Complainant, Louise R. Bailey, M.Ed., RN, in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs, filed Accusation No. 2010-101 against Katherine Wilson
22 (Respondent) before the Board of Registered Nursing.

23 2. On or about September 27, 2000, the Board of Registered Nursing (Board)
24 issued Registered Nurse License No. 572435 to Respondent. The Registered Nurse license
25 was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2010, unless renewed.

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1 3. On or about September 9, 2009, Praveen K. Singh, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation
3 No. 2010-101, Statement to Respondent, Notice of Defense, Request for Discovery, and
4 Government Code sections 11507.5, 11507.6, and 11507.7, to Respondent's address of
5 record with the Board, which was and is:

6 Katherine Renee Wilson
7 a.k.a. Katherine Renee Stephens
8 a.k.a. Katherine Renee Cotton
9 4005 Royal Oak
10 North Little Rock, AR 72116

11 A copy of the Accusation is attached as **Exhibit A**, and is incorporated herein by
12 reference.

13 4. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c).

15 5. On or about September 25, 2009, the aforementioned documents were returned
16 by the U.S. Postal Service marked "Attempted, Not Known."

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if
19 the respondent files a notice of defense, and the notice shall be deemed a
20 specific denial of all parts of the accusation not expressly admitted.
21 Failure to file a notice of defense shall constitute a waiver of
22 respondent's right to a hearing, but the agency in its discretion may
23 nevertheless grant a hearing.

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon
25 her of the Accusation, and therefore waived her right to a hearing on the merits of
26 Accusation No.
27 2010-101.

28 8. California Government Code section 11520 states, in pertinent part:

 (a) If the respondent either fails to file a notice of defense or to
appear at the hearing, the agency may take action based upon the
respondent's express admissions or upon other evidence, and affidavits
may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 2010-101 are true.

10. The total costs for investigation and enforcement in connection with the Accusation are Six Hundred Ten Dollars (\$610.50) as of October 5, 2009.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Katherine Wilson has subjected her Registered Nurse License 572435 to discipline:

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse license based upon the following violations alleged in the Accusation:

a. Respondent violated Business and Professions Code section 2761, subdivision (a)(4), on the basis of discipline imposed by the Arkansas State Board Nursing in its Findings of Fact and Conclusions of Law and Order issued on or about February 20, 2009.

b. Respondent violated Business and Professions Code section 2761, subdivision (a) and section 2762, subdivision (a), and section 2762, subdivision (a), in that she self-administered the controlled substance Marijuana without lawful authority on or about April 22, 2008.

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2010-101

**KATHERINE RENEE WILSON,
a.k.a. KATHERINE RENEE STEPHENS,
a.k.a. KATHERINE RENEE COTTON**
4005 Royal Oak
North Little Rock, AR 72116

Registered Nurse License No. 572435,

Respondent.

DECISION AND ORDER

IT IS SO ORDERED that Registered Nurse No. RN 572435, heretofore issued to Respondent Katherine Wilson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 6, 2010.

IT IS SO ORDERED



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2010-101

Exhibit A

Accusation No. 2010-101

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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12 **KATHERINE RENEE WILSON,**
13 **a.k.a. KATHERINE RENEE STEPHENS,**
a.k.a. KATHERINE RENEE COTTON
4005 Royal Oak
14 North Little Rock, AR 72116

A C C U S A T I O N

15 Registered Nurse License No. 572435

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about September 27, 2000, the Board issued Registered Nurse License Number
24 572435 to Katherine Renee Wilson, also known as Katherine Renee Stephens and Katherine
25 Renee Cotton ("Respondent"). Respondent's registered nurse license was in full force and effect
26 at all times mentioned herein and will expire on February 28, 2010, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . .

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action. . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022. . .

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CONTROLLED SUBSTANCE AT ISSUE

8. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13).

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Arkansas State Board of Nursing)

9. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about February 20, 2009, pursuant to the Findings of Fact, Conclusions of Law and Order ("Order") issued by the Arkansas State Board of Nursing ("Arkansas Board"), Respondent's registered nurse license was revoked. A true and correct copy of the Order is attached as exhibit "A" and incorporated herein by reference. The Arkansas Board based the Order on including, but not limited to, the following:

a. On November 14, 2007, after entering into a Consent Agreement, Respondent was found guilty of violating Ark. Code Ann. §17-87-309(a)(6). Her license was placed on probation for one year subject to conditions.

b. On May 14, 2008, Respondent was found guilty of violating the terms and conditions of her November 14, 2007, Consent Agreement and of violating Ark. Code Ann. §17-87-309(a)(4) after having a positive urine drug screen for Marijuana on February 22, 2008. Respondent's license was suspended for six months, to be followed by 2 1/2 years probation pursuant to a Non-Compliance Consent Agreement.

c. As of January 9, 2009, Respondent was non-compliant with the terms and conditions of the Non-Compliance Consent Agreement that she signed and entered into with the Board on May 14, 2008. Specifically, the Arkansas Board staff received a report from Advocate Medical Supply and Mobility stating that Respondent's employment with them had been terminated after it was discovered that Respondent was representing herself as a licensed RN while her RN license was suspended. In addition, Respondent failed to submit employer reports, support group reports, and civil penalty payments and failed to call FirstLab on at least 110 occasions. On August 1, September 16, October 22, and November 21, 2008, Respondent was a "no call/no show" for urine drug screens with FirstLab.

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SECOND CAUSE FOR DISCIPLINE

(Self-Administration of a Controlled Substance)

10. Respondent is subject to disciplinary action pursuant to Code Section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that she self-administered the controlled substance Marijuana without lawful authority therefor, as follows: On or about April 22, 2008, Respondent admitted to the Arkansas Board that on February 22, 2008, she had tested positive for Cannabinoids (Marijuana), her drug of choice.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 572435, issued to Katherine Renee Wilson, also known as Katherine Renee Stephens and Katherine Renee Cotton;
2. Ordering Katherine Renee Wilson, also known as Katherine Renee Stephens and Katherine Renee Cotton, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/28/09

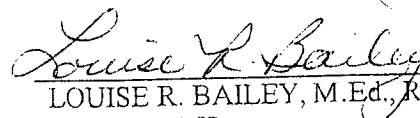

LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

Arkansas – Findings of Fact, Conclusions of Law and Order

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON RN LICENSE NO. R49363

CONSENT AGREEMENT

PROBATION NON-COMPLIANCE

A complaint charging Katherine Renee Stephens Wilson Cotton (hereinafter referred to as "Respondent") with violations of the Arkansas Nurse Practice Act has been received by the Arkansas State Board of Nursing (hereinafter referred to as "the Board"). The Respondent entered into a Consent Agreement with the Board on November 14, 2007. Since that time, the Respondent has been non-compliant. In the interest of a prompt and speedy settlement of the above-captioned matter consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Non-Compliance Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law and Order:

1. Findings of Fact

1. The Respondent is the holder of Arkansas RN License No. R49363.

2. The Respondent is charged with entering into a Consent Agreement with the Board On November 14, 2007, placing her nursing license on probation for one (1) year, and failing to comply with the terms and conditions of the Agreement.

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON

RN LICENSE NO. R49363

RC³. The Respondent tested positive for Cannabinoids (THC) on February 22, 2008, which was her drug of choice.

RC II. Conclusions of Law

RC¹. Pursuant to Ark. Code Ann. §17-87-203 and §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

RC². The conduct described in the Findings of Fact constitutes a violation of the terms and conditions of her probation and Ark. Code Ann. §17-87-309(a)(4).

RC³. The conduct described in the Findings of Fact constitutes sufficient cause pursuant to Ark. Code Ann. §17-87-309 to suspend, revoke or otherwise discipline a licensee who possesses a nursing license or the privilege to practice nursing in the State of Arkansas.

RC III. Order

RC¹. The Respondent admits the Board's Findings of Fact and Conclusions of Law.

RC². In lieu of a formal hearing on these issues, Respondent agrees to the issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

RC³. The Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

RC⁴. The Respondent understands that those admissions are conclusive evidence of a prior violation of the Arkansas Nurse Practice Act and may be used for the purposes of

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON

RN LICENSE NO. R49363

determining sanctions in any future disciplinary matter.

RC 5. The Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation is waived.

RC 6. The Respondent understands as a result of entering into this Consent Agreement that the terms of this agreement become public record and shall be reported to the National Council of State Boards of Nursing Disciplinary Data Bank and the Healthcare Integrity and Protection Data Bank.

RC 7. The Respondent understands that this Consent Agreement is effective upon its acceptance by the Board.

Katherine Renee Cotton
RESPONDENT

Dated: 4/22/08

ARKANSAS STATE BOARD OF NURSING

BY: Mary Trentham
MARY TRENTHAM, AR Bar No. 07144
ATTORNEY

Keslee Stepp
WITNESS

University Tower Building, Suite 800
1123 South University Avenue
Little Rock, Arkansas 72204
(501) 686-2700

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON RN LICENSE NO. R49363

ORDER

In view of the above Findings of Fact, Conclusions of Law, and the consent of the Respondent, the Board hereby issues the following Order:

RC 1. The Respondent consents to the terms and conditions of the Order and waiver of a public hearing is accepted.

RC 2. The Respondent's license as an RN will be suspended for six (6) months, to be followed by probation for two and a half (2½) years. The following will remain in effect until the period of supervision is completed:

RC a. The Respondent's license(s) to practice nursing must be surrendered to the Board immediately.

RC b. The Respondent must notify each present and future employer in professional nursing of this Order of the Board and the probation conditions on Respondent's license and present to every employer in professional nursing a copy of this Order.

RC c. The Respondent must immediately notify the Board in writing of any change, even a temporary one, in name, address, or employer.

RC d. The Respondent may not work outside the State of Arkansas without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the state where the Respondent wishes to work.

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON

RN LICENSE NO. R49363

PC e. The Respondent must attend AA/NA, or other Board approved treatment program and must submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least the date of each meeting, the name of each group attended, purpose of meeting, and the signature or signed initials of the chairperson of each group attended by Respondent. It is agreed that the Respondent will see Dr. Patricia Griffen weekly in outpatient counseling and follow her recommendations. Respondent also will attend an intensive outpatient treatment program at Bridgeway for substance abuse.

PC f. The Respondent must submit to random urine drug screens. The urine drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program and laboratory. Contact must be made with a Board-approved drug screen monitoring program within five (5) business days of receipt of this Order. (See Attachment No. 1)

PC g. The Respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom medical attention is sought. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall inform all licensed practitioners who authorize prescriptions of controlled or abuse potential substances of the Board's Order, and Respondent shall cause all such licensed practitioners to submit a written report identifying the medication, dosage, and the date the medication was prescribed. The prescribing practitioners

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON RN LICENSE NO. R49363

shall submit the report directly to the Board within ten (10) days of the date of the prescription.

It is the responsibility and duty of the Respondent to insure that the prescribing practitioners submit their written reports in a timely fashion.

RC h. The Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis.

RC i. The Respondent's responsibility is to insure that all reports are submitted to the Board on a quarterly basis.

RC j. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.

RC k. All costs involved in complying with this Order shall be borne by the Respondent.

RC l. Failure to comply with a signed Consent Agreement may result in the suspension of the nurses license to practice nursing in this state.

RC m. Verification of termination of the probationary period may be requested in a registered letter to the Board.

RC n. In addition to the probation imposed above, the Respondent shall pay a fine of \$2,000.00, in addition to the previous balance of \$375.00, pursuant to Ark. Code Ann.

§17-87-104(b)(1). Such fine will be payable within fifteen (15) days of receipt of this Order or a payment schedule must be submitted within fifteen (15) days to the Arkansas State Board of Nursing.

IN THE MATTER OF:

KATHERINE RENEE STEPHENS WILSON COTTON

RN LICENSE NO. R49363

Katherine Renee Cotton RN
RESPONDENT

Dated: 4/27/08

ARKANSAS STATE BOARD OF NURSING

By: Lepaine McHenry
Lepaine McHenry, RN, President

Dated: 5/14/2008